

DRAFT (November 2003)

CHARTER, South Florida Ecosystem Restoration Working Group

1. AUTHORIZATION. Section 528(f)(2)(D) of Public Law 104-303, the Water Resources Development Act of 1996 (hereinafter referred to as the Act), enacted October 12, 1996, requires the South Florida Ecosystem Restoration Task Force to establish a Florida-based working group (hereinafter referred to as the Working Group.)

2. MISSION. The mission of the Working Group and its subgroups is to support the Task Force in its efforts to achieve, in cooperation with all interested parties, the restoration, preservation and protection of the ecosystem while promoting a sustainable South Florida.

3. DUTIES. The Working Group is established to formulate, recommend, coordinate, and implement the policies, strategies, plans, programs, projects, activities, and priorities of the Task Force, pursuant to section 528(f)(2) of the Act. To assist the Task Force in its duties the Working Group shall develop for Task Force approval:

a. A draft biennial report to Congress, the Florida Legislature, and the Councils of the two Tribes that summarizes the activities of the Task Force and progress made toward restoration;

b. A draft integrated financial plan and recommendations for coordinated budget requests that reflect the coordination of federal, state, Tribal, and local government funding requirements for essential restoration projects;

c. A draft biennial update to the strategic plan that describes the application and linkages among programs and projects to achieve shared ecosystem goals in the region;

d. A draft biennial update to the total cost report that estimates the total costs to restore the South Florida ecosystem;

e. Responses to specific priority activities assigned by the Task Force.

4. POWERS. The Working Group may, at the direction of the Task Force:

a. Establish advisory bodies necessary to assist the Working Group or the Task Force in their duties, including advisory bodies on public policy and scientific issues, in accordance with section 528(f)(2)(E)(I) of the Act.

b. Select as an advisory body any entity that represents a broad variety of public and private interests, as provided in section 528(f)(2)(E)(ii) of the Act.

c. Seek advice and input from any interested, knowledgeable, or affected party necessary to perform its duties, as provided in section 528(f)(3)(B).

5. MEMBERSHIP.

a. The Working Group shall consist of a representative from the following agencies and governments authorized to represent that agency's or government's interest on matters pertaining to the responsibilities of the Working Group:

Department of the Interior.

(a) National Park Service.

(b) Fish and Wildlife Service.

(c) United States Geological Survey.

(d) Bureau of Indian Affairs.

Department of Commerce, National Oceanic and Atmospheric Administration.

(a) National Marine Fisheries Service.

(b) National Ocean Service, Florida Keys National Marine Sanctuary.

Department of the Army, Corps of Engineers.

Environmental Protection Agency (EPA).

Department of Agriculture, Natural Resources Conservation Service.

Department of Transportation.

Department of Justice.

Miccosukee Tribe of Indians of Florida.

Seminole Tribe of Florida.

Florida Department of Environmental Protection.

Florida Department of Community Affairs.

Florida Department of Agriculture and Consumer Services.

Florida Fish and Wildlife Conservation Commission.

Office of the Governor.

South Florida Water Management District.

No more than five (5) representatives of local governments or regional planning councils.

Chair, Science Coordination Group (non-voting).

b. The Executive Director of the Task Force and the Executive Director of any entity designated as a Task Force advisory body will participate as special advisors to the Working Group and will be consulted by the Working Group prior to any action within their respective areas of responsibility.

c. The Task Force may appoint other persons to the Working Group as non-voting representatives of other agencies or governments.

d.

(1) Each Federal member of the Task Force will appoint the Working Group representatives for that department or agency.

(2) Each chairman of a Tribe represented on the Task Force will appoint that Tribe's representative to the Working Group.

(3) Each State member of the Task Force, including the member from the South Florida Water Management District, will appoint the Working Group representative for that department, agency, or district.

(4) The Governor will appoint the Working Group representative for each State department or agency listed in subsection (a) not represented on the Task Force.

(5) Each local government member of the Task Force may appoint one representative to the Working Group, or will waive the right to appoint a member by notifying the Governor and the Task Force Chairperson in writing.

(6) The Governor may appoint additional local government or regional planning council representatives to the Working Group provided that there shall be a total of no more than five (5) local government or regional planning council members appointed to the Working Group by the Governor or the local government members of the Task Force. The Task Force may appoint additional non-voting representatives from local governments or regional planning councils pursuant to subsection c of this section.

(7) Appointments to the Working Group shall be made by notifying the Task Force Chairperson or Executive Director in writing. Upon receipt, the Executive Director shall forward the notification to the Task Force Chairperson and the Working Group Chairperson. The Executive Director shall notify the other members of the Working Group within a reasonable time.

e. Each member of the Working Group serves at the pleasure of the appointing authority.

f. Any vacancy on the Working Group shall be filled as specified in paragraph 5(d) above.

g. Any member of the Working Group may designate an alternate for a Working Group meeting by notifying the Working Group Chairperson or Executive Director prior to or during that meeting.

h. A member or alternate shall receive no additional compensation for service on the Working Group, in accordance with section 528(f)(4) of the Act.

6. ADMINISTRATION.

a. The Task Force will appoint one of the Working Group members as Chairperson and one as Vice Chairperson, for such terms as the Task Force may select. The Vice Chairperson will serve as Chairperson in the absence of the Chairperson.

b. The Chairperson of the Working Group, with the assistance of the Task Force Executive Director, is responsible to the Task Force for the management of the affairs of the Working Group and for reporting to the Task Force on Working Group activities.

c. The Working Group Chairperson will normally brief the Task Force on Working Group activities at each Task Force meeting. The Chairperson shall bring to the Task Force for its consideration matters the Working Group believes are relevant to the Task Force mission, including problems or differing agency positions that have a material and substantial impact on the implementation of shared ecosystem goals or programs.

d. The Working Group may create, reorganize, or dissolve subgroups of its members to study specified issues or work on tasks, and to report to the Working Group as a whole. For purposes of this subparagraph, any elected official or designated employee of any local government may be appointed as an advisor to a subgroup by the Working Group. Any elected official or designated employee of any local government so appointed may participate fully in meetings, recommendations, and reports of the subgroup.

e. The Working Group shall implement procedures to facilitate public participation in its meetings or functions and those of its subgroups. Those procedures shall include providing advance notice of meetings, providing adequate opportunity for

public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection, as required by section 528(f)(3)(A)(I) of the Act.

f. The goal of the Working Group will be to build consensus among its members. Where complete consensus is unattainable, a two-thirds majority vote will suffice for final Working Group action, and actions other than final actions may be taken by a simple majority vote.

g. The Working Group may adopt additional principles, operational guidelines or procedures to facilitate the accomplishment of the duties described in section 3 of this Charter, provided those protocols are consistent with the Act and Task Force guidance.

h. The Working Group shall meet at the call of the Chairperson or of a majority of the members, but not less often than quarterly.

i. A majority of the members or alternate members in attendance will constitute a quorum.

j. Travel expenses incurred by a member of the Working Group in the performance of services for the Working Group shall be paid by the agency, Tribe, or government that the member represents, as provided in section 528(f)(5) of the Act.

k. The Working Group is not considered an advisory committee subject to the Federal Advisory Committee Act, and it may seek advice or input from interested, knowledgeable, or affected parties without being subject to the Federal Advisory Committee Act, pursuant to section 528(f)(3)(C) of the Water Resources Development Act of 1996.

l. Any advisory body selected or established by the Task Force, and any individual advisor recognized by the Task Force, may also render advice to the Working Group without further action by the Working Group.

m. The Executive Director of the Task Force shall advise the Working Group on behalf of the Task Force and will assist the Working Group in carrying out its administrative and procedural duties, including the requirements in section 528(f)(3)(A)(i) of the Act. The Executive Director of the Task Force will advise the Working Group on behalf of the Secretary of the Interior regarding those responsibilities of the Secretary specified in the Act.

n. Actions, recommendations, votes, or discussions by the Working Group shall not be construed to limit the discretion or to override the decisions of any government or agency represented on the Working Group. Nothing in this charter compromises or restricts the authority or power of any government or agency.

7. COORDINATION WITH THE SCIENCE COORDINATION GROUP. To assist the Task Force in its duty to "coordinate scientific and other research associated with the restoration of the South Florida ecosystem," pursuant to section 528(f)(2)(G) of the Act, the Working Group will communicate and coordinate with the Science Coordination Group to identify and provide to the Task Force and Science Coordination Group recommendations pertaining to science as it affects policy and management activities in support of Everglades restoration.

8. PERSONNEL. The Executive Director of the Task Force shall provide staff support to the Working Group, and may request the assistance of any member of the Working Group or the staff of such member.

9. AMENDMENT. This Charter may be amended by the Task Force. Any member of the Task Force may propose an amendment. All members of the Task Force shall be notified of the proposed amendment. The Task Force may vote on the amendment at any meeting held at least thirty days after notification of the proposed amendment. The amendment may be approved only on two-thirds majority vote of the Task Force.

10. TERMINATION. The Working Group shall continue to exist only for so long as it is authorized by Federal law.